

FIRST REGULAR SESSION

SENATE BILL NO. 289

98TH GENERAL ASSEMBLY

INTRODUCED BY SENATOR SCHATZ.

Read 1st time January 21, 2015, and ordered printed.

ADRIANE D. CROUSE, Secretary.

1548S.011

AN ACT

To repeal sections 49.060 and 105.030, RSMo, and to enact in lieu thereof two new sections relating to public office vacancies, with an emergency clause.

Be it enacted by the General Assembly of the State of Missouri, as follows:

Section A. Sections 49.060 and 105.030, RSMo, are repealed and two new
2 sections enacted in lieu thereof, to be known as sections 49.060 and 105.030, to
3 read as follows:

49.060. **1.** When a vacancy shall occur in the office of a county
2 commissioner, the vacancy shall at once be certified by the clerk of the
3 commission to the governor[, who shall fill such vacancy with a person who
4 resides in the district at the time the vacancy occurs, as provided by law].

5 **2. If at the time the vacancy occurs there is less than one year**
6 **remaining in the unexpired term, the vacancy shall be filled as**
7 **provided in section 105.030.**

8 **3. If at the time the vacancy occurs there is one year or more**
9 **remaining in the unexpired term, the governor shall, within thirty days**
10 **of receiving the certification of vacancy, issue a writ of election to fill**
11 **the vacancy at the next available election day authorized under state**
12 **law.**

13 **4. This section shall not apply to any county which has adopted**
14 **a charter for its own government under article VI, section 18 of the**
15 **Constitution of Missouri.**

105.030. **Except as otherwise provided in section 49.060,** whenever
2 any vacancy, caused in any manner or by any means whatsoever, occurs or exists
3 in any state or county office originally filled by election of the people, other than

EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.

4 in the offices of lieutenant governor, state senator or representative, sheriff, or
5 recorder of deeds in the city of St. Louis, the vacancy shall be filled by
6 appointment by the governor except that when a vacancy occurs in the office of
7 county assessor after a general election at which a person other than the
8 incumbent has been elected, the person so elected shall be appointed to fill the
9 remainder of the unexpired term; and the person appointed after duly qualifying
10 and entering upon the discharge of his duties under the appointment shall
11 continue in office until the first Monday in January next following the first
12 ensuing general election, at which general election a person shall be elected to fill
13 the unexpired portion of the term, or for the ensuing regular term, as the case
14 may be, and the person so elected shall enter upon the discharge of the duties of
15 the office the first Monday in January next following his election, except that
16 when the term to be filled begins on any day other than the first Monday in
17 January, the appointee of the governor shall be entitled to hold the office until
18 such other date. This section shall not apply to vacancies in county offices in any
19 county which has adopted a charter for its own government under section 18,
20 article VI of the constitution. Any vacancy in the office of recorder of deeds in the
21 city of St. Louis shall be filled by appointment by the mayor of that city.

Section B. Because immediate action is necessary to ensure that all
2 vacant public offices are filled in a timely manner, the enactment of section A of
3 this act is deemed necessary for the immediate preservation of the public health,
4 welfare, peace, and safety, and is hereby declared to be an emergency act within
5 the meaning of the constitution, and the enactment of section A of this act shall
6 be in full force and effect upon its passage and approval.

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